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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,390	08/18/2003	George Andrew Beard	51,328	3650
7590	11/18/2005			
Michael T. Cash 7950 Sandestin Lane Stanley, NC 28164			EXAMINER STERLING, AMY JO	
			ART UNIT	PAPER NUMBER
			3632	
DATE MAILED: 11/18/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,390

Applicant(s)

BEARD, GEORGE ANDREW

Examiner

Amy J. Sterling

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a non-final Office Action for application number 10/643,390 Highly Absorbent Durable Coaster, filed on 8/18/05. Claims 1, 2, 9 and 10 are pending. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/11/05 has been entered.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because of line quality and borderlines. See Draftspersons Drawing Review Attached for a more complete explanation. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejection - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 9 and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 9 and 10 both recite, "where said pattern is raised at least one diameter of said thread above said top surface of said absorbent layer". The specification does not disclose or support such a limitation and the limitation should be cancelled from the claims.

Claim Objections

Claims 1 and 2 are objected to because of the following informalities:

Claim 1, line 7 and claim 2, line 6, both recite "affixed to the tope surface", "tope" which appears to be a typographical error for "top". Appropriate correction is required.

Claim Rejections - 35 USC § 103

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Publication No. 2003/0034430 to Hailey et al. and in view of United States Patent No. 6774067 to Demott et al.

The publication to Hailey et al. discloses the basic inventive concept including teaching a coaster having a main body (4) with a top and a bottom surface and an outer edge, an absorbent layer (See page 1, paragraph 0022 for material selection) with a top surface and bottom surface and a plastic film adhesive layer (See page 1, paragraph 0022, for plastic film description) with a top surface and a bottom surface, wherein the bottom layer of the absorbent layer is affixed to the top surface of the adhesive layer and the bottom of the adhesive layer is affixed to the top of the main body with an adhesive which is stronger on the top than the bottom so that the absorbent layer may be removed from the main body (See page 1, paragraph 0022 for removable pad explanation). Hailey et al. also discloses a seating ring (6) attached to the top surface of the main body and a support ring (8) attached to the bottom surface of the main body wherein the point of attachment is very near the edge of the main body.

Hailey et al. does specifically disclose that a synthetic felt is used as the material of the absorbent layer.

Demott et al. discloses a material which may be used in conjunction with a coaster (See Col. 12, line 54, item #7), which is made from synthetic (See Col. 10 line 42 for polyester, a synthetic material) felt (See Col. 11, lines 60, for felt selection). The material used for its textiles properties, such as being absorbent. Therefore, it would

have been obvious to one of ordinary skill in the art to have made the absorbent layer of synthetic felt in order to absorb condensation moisture from an associated beverage container.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Publication No. 2003/0034430 to Hailey et al. and in view of United States Patent No. 6774067 to Demott et al. as applied to claims 1 and 2 above, and in view of United States Patent Publication No. 2003/012250 to Dauer and in view of United States Patent 4584785 to Von Danwitz.

Hailey et al. and Demott et al. disclose applicant's basic inventive concept, all the elements which are shown above with the exception that they do not show an embroidered pattern woven into the absorbent layer which is raised above the top surface of the absorbent layer at least one diameter of thread.

Dauer shows a coaster (10) with an absorbent layer (12) which has threaded embroidery (14) woven into the absorbent layer for aesthetics and for holding the layers together. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Dauer to have added this threaded embroidery for aesthetic reasons or for holding the layers more firmly together.

Dauer does not specifically teach wherein the thread is raised above the top surface of the absorbent layer.

Von Danwitz teaches embroidery (5) that has raised threads (See Col. 1, lines 53, 54) above the top surface, used so that the design can be clearly seen from an

onlooker. Therefore it would have been obvious to one of ordinary skill in the art to have raised the aesthetic embroidery as taught by Von Danwitz, in order to more clearly see the aesthetics of the embroidery.

Response to Arguments

The applicant has argued that the Finality should be withdrawn. This point is moot due to the Request for Reconsideration that has been filed. The proper timing for filing a request for removal of finality, a petitionable matter, is after a final rejection and before the Request for Continued Examination. The current action is non-final.

The applicant has also argued that there is no motivation to combine Hailey et al. and Demott et al. because the text suggestion as found in the Demott et al. reference (Col. 12, line 54, item 7) does not specifically recite a structure. This is unpersuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the suggestion of the combination in the text of Demott et al. is sufficient to meet this criteria.

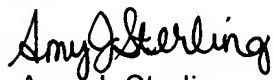
The applicant has also recited arguments that pertain to claims 5 and 8, which have been cancelled and therefore are moot.

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The arguments for claims 9 and 10 are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached at 571-272-6788. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal amendments). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.


Amy J. Sterling
11/11/05